

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:11CV555

CHRISTOPHER KEITH BROWNSTEAD, )  
                                         ) )  
Plaintiff,                         ) )  
                                       ) )  
vs.                                 ) )                                   ORDER  
                                       ) )  
DONNIE HOOVER and DONALD VICINI, ) )  
                                       ) )  
Defendants.                         ) )  
                                       ) )

This matter is before the court upon Defendant Donald Vicini's Motion to Dismiss pursuant to Rules 8, 12(b)(1), 12(b)(4), 12(b)(5) and 12(b)(6) of the Federal Rules of Civil Procedure. On November 30, 2011, this Court entered a *Roseboro* Order directing the *pro se* Plaintiff to respond to Defendant's motion. The Order was mailed to the Plaintiff by certified mail but was returned as unclaimed, unable to forward.. To date, no response has been filed and Plaintiff has failed to provide the court with an updated address. Defendant Hoover has also filed a Motion to Dismiss Plaintiff's claims against him.

Review of Plaintiff's Complaint reveals that he has failed to state a claim upon which relief can be granted as to both Defendants. Indeed, Plaintiff's claims appear to be patently frivolous. Moreover, the Plaintiff has failed to prosecute this action in that he has failed to provide the court with an updated address. Accordingly, this case is hereby DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

Signed: February 2, 2012

Graham C. Walker

Graham C. Mullen  
United States District Judge

